

Andrews (J.B.)

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Case of Charles Stockley, Convicted of Murder.

PLEA--TEMPORARY INSANITY.

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By J. B. ANDREWS, M. D.,

Superintendent State Asylum for the Insane, Buffalo, N. Y.

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# CASE OF CHARLES STOCKLEY, CONVICTED OF MURDER. PLEA—TEMPORARY INSANITY.\*

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On the 27th of April, 1881, Charles Stockley killed John Welker, by shooting him with a revolver.

Welker was a well-to-do farmer, and lived about two miles north of Batavia, Genesee County, N. Y. He first employed Stockley as a farm hand in the year 1880, for some three months. Although he had the reputation of being passionate and violent in action when in anger, he was during this period pleasant, and manifested none of those characteristics during that period of employment. After completing this term of service, he went to Michigan, where he worked during the winter in the lumber district. On his return in the spring of 1881, he was re-employed by Mr. Welker, for the coming season, and late in March began work again.

Soon after, he manifested a preference for the daughter of Welker, a young lady about seventeen years of age. This was not so marked as to attract the attention of the parents, or even the serious consideration of the young lady. On Monday before the murder he followed her into the pantry, and proposed marriage to her. The proposition met with no favor, and she told him never to speak of it again. The mother made light of the proposal, saying to Stockley that the daughter was but a school girl, and her marriage was

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\* Read at the Annual Meeting of the Association of Superintendents of American Institutions for the Insane, held at Newport, R. I., June 26, 1883.





not to be thought of. The next day Stockley refused to work, claiming to be sick. He went to the village and consulted a physician, saying he had worked quite hard and was lame in his arms and chest. He received a prescription for rheumatic trouble, went back, but did not go to work.

The next morning he went out with Welker to milk, and in the cow stable they had some words. Stockley says Welker laughed at him for being sick, and that he told Welker he would not work for any — Dutchman when he was sick. This led to an encounter, in which Stockley threw him down and choked him. They came into the house together, when Welker figured up how much he owed Stockley, took out the money and paid him seventeen dollars. This was not satisfactory, and Stockley then said, "John, I will make you trouble for this." He then started for the village, purchased a revolver, loaded it, and in about two hours returned. He went into the house, where he found Mrs. Welker, and talked with her. Among other things he said, "Do you not think Welker abused me to talk so to me when I was sick?" And, further, that he was ashamed of what he did this morning, but if he (Welker) was a younger man he would not care so much about it. He went upstairs to his room, after a while came down and went out, followed by three of Welker's children, to the bars of a field in which Welker was ploughing. Stockley waited, talking with the children till Welker came back on the return furrow. He then told Welker he guessed he would go to work in the afternoon, but Welker said he did not want him, and requested him to leave. Stockley said he would, if Welker would pay him what he owed him. Welker refused to pay him any more, and, Stockley said, picked up a stone and threatened to

knock his brains out. (This was disproved on the trial.) Stockley then fired, Welker ran, pursued by Stockley, who fired a second shot also without effect. In the attempt to escape, Welker climbed the garden fence, and ran toward the house closely pursued. In the garden Welker turned, when Stockley fired the third time. The bullet penetrated the forehead an inch and three-fourths above the outer angle of the right eye, and passed through the brain to the inner table of the skull on the opposite side of the head. Welker lived in an unconscious state about one hour. The murderer hurriedly left the premises. Mrs. Welker, attracted by the shooting, came out of the house, and meeting Stockley, asked him what he had done. He made no reply, but passed on toward the village. An alarm was given; he was pursued and overtaken while crossing a field off from one of the village streets. He had the revolver in his hand when he was arrested by an officer. He was handcuffed and taken back to the house, which he reached about five minutes before the death of his victim. Stockley was then asked if he shot Welker, he said yes, that he shot three times. He was then taken to a magistrate's office, when after a preliminary examination, in which he related some of the occurrences as given, he was committed to jail. In the afternoon of the same day, April 27th, he was examined at the request of the District Attorney, Hon. S. E. North, by three physicians, as to his mental and physical condition, viz., Dr. W. W. Potter, Dr. John R. Cotes and Dr. H. A. Morse, all of Batavia.

On the 12th of May, I was requested by the District Attorney to examine the prisoner as to his mental state, and for this purpose visited him in jail. I found him to be a large, well-developed, broad-shouldered man, 6 feet 1 inch in height, and weighing 175 pounds—a



picture of health and strength. He was one of a family of fourteen children, twenty-three years of age, used neither liquor nor tobacco, and denied that he was addicted to any vices. His pulse was 74, temperature normal; all the functions of organic life were well performed, and he was without present complaint of ill-health or ailment. The only defect appreciable was dullness of hearing in the left ear, which could hear the watch tick at the distance of an inch. He detailed his personal and medical history without reserve and with minuteness, stated that when about eleven years of age he had scarlet fever, and his hearing had been affected since that time; that at the age of fourteen he had typhoid fever, in which he was delirious, and from that time he had suffered at times from headache; that during the past year, while in Michigan, he had had fever and ague, but had entirely recovered; that he had never had fits, and that his present health was good. He said that his education was poor, as his advantages had been limited; that he had been kept at home by his father, who had made him work for him, or had let out his labor to others and had taken the wages.

He manifested some bitterness of feeling toward his father, from whom he said he parted in anger some few years before; that since then he had not lived at home, but had spent most of his time with his brothers, one living in Erie County, N. Y., and one in Michigan.

He stated that he had an ungovernable temper, which he had not controlled, and which had brought him into trouble, and although he had never been arrested, a warrant had been issued against him for killing a cow of his father's and smashing a stove, and that on this account he had left his home, and had not lived there since.

He further stated that he had some trouble in Michigan in relation to a girl whom he loved, when he threatened violence. He narrated the circumstances of the murder as given, except that he said he was afraid of Welker that morning in the barn, and that Welker had threatened to kill him, and made the first attack. This was not supported, but was contradicted by the evidence of Mrs. Welker. He further stated, which was not brought out in the testimony, that after the shooting he came to the village to tell the justice all about it, but was prevented by the pursuit. He had a perfect recollection of all the events, expressed sorrow for the act, which he attributed to his violent temper, and seemed to desire sympathy in his state. After a protracted interview there was no evidence of insanity or irresponsibility, and I so reported to the District Attorney.

From this time to the 5th of July, the date of his trial, there was no change in the prisoner. He ate and slept well, and conducted himself with propriety. He, however, manifested no concern about himself or his fate, and, his counsel informed me, made no suggestions and gave him no aid in the preparation for his defense. He was tried at a Special Term of the Court, Justice C. Daniels, of the Supreme Court, presiding.

The prosecution established the facts of the case as presented in the foregoing recital. The defense was opened by Loren Green, Esq., who briefly outlined the theory of defense, that of emotional insanity. The first witness called was the sheriff who identified the following letter as written by the prisoner to Mrs. Welker—and also spoke of his conduct in the jail, which he described as quiet and rational.

April the 29 1881.

Mrs. Welcker,

Can't have my tryle till june I gess you Can bale me out maby you wont know what i mean by bale It wont Cost you enny think you will only have to sine papers that i will stand my trile when you come to bale me they will probly question you som dont get ex sited nor say enny think only answer the question that they ask you.—Speak the truth and then our statements will be a like at Cort What you sa now Will be talk Over when i have my trile i am locked up in a small room not much bigger than that closet in my bedroom Come as soon as you Can i shall dye if i have to stay here much longer i Will Come and Work there till i have my trile they Cot me before i had time to give my self up thire has been a yong man here to talk with me he was telling what you had sed i now he was liing. i ges he was tring to see What he Can find out.

CHARLES STOCKLEY.

Come to-day if you Can.

The prisoner's mother then testified that his age was twenty-three years, that when two years old he had inflammation of the brain, and the following summer ague fits and measles; and at the age of eleven, scarlet fever for a week; and after this sickness he acted strangely, would start up from his sleep, walk very fast, go out-of-doors and walk around the house; that when fourteen years old he had a severe attack of typhoid fever in which he was delirious, and after his recovery he occasionally had these spells, which were produced by overwork or excitement; that before these spells he would keep very still and seemed sleepy. He was not naturally much of a talker, had no bad habits, staid at home and attended to his business. After having typhoid fever he injured his spine, and a bunch came on the back of his neck which gave him pain; that he had been deaf and had headaches; that some three years before, he had one of these spells in which he killed his father's cow, broke up the stove and set the carpet on fire. At that time he had not been living



at home for about three months. There was no one in the house, but he was seen by some of the neighbors to go to the house and go away. On cross-examination she testified that he had trouble with his father on account of his having taken up his wages, and that a warrant was issued for his arrest on account of the act.

His brother John testified to the prisoner living with him at the time of the killing of the cow; said he observed that he was unwell, had fits of crying and laughing; knew no cause for it, only that he thought much of a girl. Prisoner told him of his having killed the cow and broken the stove, said it was in his mind to do it, and he could not help it, and, further, that he left his house that night. (Prisoner had previously stated to me that he knew of the warrant having been issued, and left on that account.) After his removal to Michigan, prisoner lived with him for a year and a half, that he had some spells when he would drop his tools and walk away. A young woman, a sister-in-law of his, whom "Charley" liked, lived with them. On one occasion "Charley" bought some powder, as he said, to shoot her with, giving as a reason that she had promised to marry him and then refused to do so. Witness's wife testified to the same occurrence, and that he acted strangely—at times would cry and laugh—and gave an account of his having threatened to "mash her sister's brains," but her husband prevented him from violence.

His brother, Richard, testified to the conduct of the prisoner, to his having, while clearing land, dropped his axe and begun to tear down a shanty; and on two other occasions to his throwing down his tools and walking away; says he never knew him to be unconscious, or of his having fits.

The mother was re-called, and testified, that he had fits when he had ague, and at no other time; that he

was not unconscious, nor did he fall down when he had these spells, and that his face was flushed at these times.

Testimony to prove insanity in the family was then introduced.

An uncle, by marriage, testified that an aunt of Stockley's when sick, in 1869, wandered in mind, and and that her mind afterward seemed to be affected.

A sister of Stockley, when sick with the measles, was delirious.

Two other witnesses swore to the facts about killing the cow and smashing the stove. Aside from this, the testimony was all given by the prisoner's immediate family.

During the trial he had listened stolidly to the witnesses, and his face pale from confinement, did not betray the slightest change or give evidence of any emotion as the details of the murder were narrated by the prosecution, nor at the testimony of his friends who were trying to turn the exhibitions of his anger and uncontrolled passion into symptoms of insanity. The defense then placed him on the stand, when to the questions of his counsel he repeated the main circumstances as reported, but coming down to the details of the shooting his recollection failed him till he was cross-examined by the District Attorney. This was continued for three hours, during which the history of his past life and the minutest incidents of the murder were so skillfully drawn out as to demonstrate beyond question, that there was no defect of memory, and that the act was not the result of delusion, but performed by the accused while in a state of full consciousness and responsibility. He gave the occurrences of the morning, the trouble in the stable, the disagreement about the wages, his going to the village, the purchase

of the revolver, his return, the conversation with Mrs. Welker, his going up to his room and getting a certificate of deposit in the village bank, his going to the field with the children, the conversation with the murdered man, the firing of the first shot, the pursuit, the second shot, the climbing the fence, the final shot, the fall of his victim, his flight and pursuit, his capture and return to the house, his preliminary examination and incarceration in the jail—all was stated in order, and showed such closeness of observation and retentiveness of memory as to demonstrate that the act was done deliberately by a responsible agent, whose mental operations were neither clouded nor fettered by disease.

The prosecution then called Dr. Hutchins, who had prescribed for him on the day preceding the murder. He testified that Stockley told him that his chest and arms and throat were sore. He told the prisoner that he had probably over-worked, and that the perspiration had been checked. He further testified that he saw no evidence of insanity in him. The physicians who examined him on the afternoon of the murder as to his mental and physical condition were then called to the stand.

Dr. Potter stated that he examined the prisoner at about 3.30 on the afternoon of April 27th, the day of the murder; that his pulse was 84, respirations 18; that he was in excellent physical health, and presented no indication or symptoms to raise in his mind any impression of mental derangement. Dr. Cotes testified: "I examined the prisoner the day he was incarcerated with a view to determine his sanity. He seemed to me to be a sane man. I am a physician to the jail. I have talked with Stockley several times, and never detected any evidence of insanity."



Dr. Morse fully corroborated the testimony of the other physicians. I was then questioned, and; after giving the details of my examination of May 12th, previously narrated, also of a second examination the day of the trial, in which I found no evidence of present or of past injury to the spine, reported the prisoner as, in my judgment, sane when the crime was committed. The cross-examination was brief, and related to the different forms of insanity, duration, &c., and also in regard to the existence of emotional insanity or of transitory mania.

The case was summed up in behalf of the prisoner by the counsel assigned, Loren Green, Esq., and on the part of the prosecution by the Hon. S. E. North, the District Attorney.

The following extracts are made from the charge of the Judge, Hon. C. Daniels, and set forth very clearly the view entertained by one of the ablest judges of the Supreme Court of the State.

*Gentlemen of the Jury:*

The prisoner now upon trial is charged by the indictment which has been presented against him with the crime of murder in the first degree. It is alleged in the indictment in substance, that on the 27th day of April, 1881, in the town of Batavia, in this county, that he deliberately and with a premeditated design took the life of John Welker.

This is substantially the charge which has been made for the purpose of bringing it within the terms of the statute of the State as existing at the time that this offense is alleged to have taken place. The killing of Welker has been proven to a point that renders it established beyond dispute. In addition to that, it is conceded by the prisoner himself that on the morning of this day by his hand this man was slain; it is not, however, conceded on the part of the defense that any crime was committed by the act which deprived this man of his life. It is contended, on the other hand, in exoneration of the defendant's alleged offense, that he at the time labored under such a condition of mental derangement as prevented him from being held legally accountable for the act

which at that time was committed. In order to constitute a crime of this character under the laws of the State, it is necessary not only that the person who is accused shall commit the act with an intent to take the life of a deceased person, but in addition to that, that it shall have been made the subject of some degree of deliberation, and some degree of reflection before the act itself shall have been in fact performed. This degree of deliberation and reflection is not defined by the laws of the State, neither is any specified period of time required for the purpose of so far maturing it as to render the offense which may be committed murder in the first degree. It is sufficient that that degree of reflection or premeditation, or of deliberation shall precede the commission of the act itself as to render it the execution of a settled purpose of the mind; where that is the case, and this purpose is to take the life of a person who is slain, there the crime of murder in the first degree is committed under the laws of the State. It is important, therefore, you will see in the outset, to look at the evidence which has been given regarding the condition of this prisoner, for the purpose of determining whether it is probable that this intention existed in his mind, and was made the subject of this intelligent consideration before it was carried into execution. Upon the part of the prisoner it is alleged that that was not his mental condition. The law presumes that all persons are sane, and that all persons are accountable for the acts which they commit, and if they are criminal in their character that they are proper subjects, and deserving of adequate punishment, so that the burden is placed upon the prisoner himself when it is alleged in his behalf that his mind was not in such a condition as to enable him to form and execute the intent requisite for the purpose of constituting a criminal offense, to establish the fact to the satisfaction of the jury that that was his condition at the time when the offense is charged to have been committed. For the purpose of securing such a result it is not sufficient that the prisoner shall present a mere conjectural case in his behalf, or one exhibiting the mere possibility that at the time that act was committed he was not a rational person, but he must establish it by a reasonable and fair degree of evidence, so that the jury, looking at the testimony and considering the probabilities indicated by the fact established by the testimony, shall be convinced in their mind that that degree of mental disturbance did exist in the mind of the prisoner at the time the act was committed as practically to exonerate him from legal accountability. It is a fact to be proven, and one which

under the evidence must be found to exist before this presumption, which is entertained by the laws of the land, is made to yield to the proofs, and before the prisoner can have the benefit of any allegation of this description, so that it becomes necessary in the outset of this case to look at the testimony which has been given in behalf of the prisoner upon this point, and in behalf of the prosecution, for the purpose of determining whether, in point of fact, it has been established, that such a degree of mental derangement existed in the mind of this prisoner at this time as to render him legally unaccountable for this act. The law has thrown this protection around every person; every person's life is within the range and reach of this security, but the laws are intended to be effectual and firm, and well fortified in this respect, and not to be disturbed by reason of slight or unsatisfactory circumstances, and for this reason no person can be exonerated from legal accountability, even though mental derangement may exist, unless it may have progressed to such a point as to indicate a probability that the person who committed the act, alleged to be a crime, did not at the time understand what might have been its nature and effect. For the purpose of maintaining the restraints of the law, as far as it may be practicable or possible to do so, no person is allowed to escape responsibility by reason of mental derangement, simply because a moderate degree of derangement may exist; it is essential that it shall have proceeded to such an extent as to have destroyed a moral sense, or to have reduced it to such a point that the person, at the time when the criminal act is charged to have been committed, was incapable of understanding that it was a wrong, and in committing it he was violating his relation to the person who was the sufferer, and the laws of the State he was obliged to obey. You see, therefore, a simple matter of bodily derangement or mental derangement is not in and of itself sufficient to make out a defense of this character, it is essential that the evidence shall go further, and that it shall show the mind to have been so far impaired in its operation, its intelligence and its strength, as to render the person at the time incapable of understanding and knowing that the act he was committing was a wrong. It is not necessary for the purpose of rendering an individual accountable that he shall know precisely the nature and effect of the act that he is about to perform in a legal point of view. It is not necessary that its legal consequences shall be present in his mind, but all the law requires for the purpose of rendering him criminally accountable for an act that he may com-



mit, is that he shall know at the time when the act is committed that it is a wrong. He must, in other words, have lost a knowledge of the distinction between right and wrong in respect to the particular act, which is the subject of investigation, before he can be exonerated from legal accountability upon a charge of this nature, so that you will see the inquiry in this case is not so much whether this prisoner's mind may have been impaired, or may have been irregular, or to a certain extent deranged in its operation, but the question for you to determine, and for you to investigate will be, whether that impaired state of mind, if it existed at all, has extended, or did extend so far at the time of this occurrence, that when he took the life of this man Welker that he did not know and did not understand that he was committing a wrong. That is the great and the important inquiry upon this portion of the case, and if you are satisfied that there was a certain amount of mental derangement existing in this man's mind, but still that he retained so much intelligence, so much rational capacity, that he was able to distinguish between right and wrong, and to know that the act he was about to perpetrate, and did perpetrate upon this occasion, was a wrong, then he is legally criminal in the eyes of the laws of the State. It becomes important, for the purpose of determining this matter, to look at the testimony, not only the testimony relating to the occurrence immediately connected with the slaying of this man, but these antecedent circumstances which are relied upon for the purpose of showing mental irregularity existing in his mind at an earlier period of his life. It does not necessarily follow, however, because these irregularities or derangements, as they may be termed, did exist in that period of life, and may have existed at no very remote period of time preceding this occurrence, that he is to be acquitted of criminal liability, because the evidence relating to these circumstances, and relating to his family history, is of such a nature as still to conceive that during the intervals of time intermediate the existence, or the exhibition of the presence of these derangements that this man had certainly to a measurable degree the enjoyment and control of his mental faculties. If, therefore, the prisoner should be found upon any preceding occasion to have so far lost the use and control of his mental faculties, upon certain occasions as to render him an unaccountable being, yet, if his intelligence and judgment and understanding were afterwards so far restored as to render him capable of understanding the effects of his acts, and during the existence of that

restoration he should commit an act which the laws denominate as criminal, he would then be liable to punishment. So, in this case, you see it is not only necessary, for the purpose of determining this question, to look at the circumstances which the evidence tends to establish the existence of, but to the further circumstance whether at the time that this homicide was committed by the prisoner he was affected by any of these derangements of mind, which have been referred to by the witnesses as to the occurrence of his early life.

After deliberating for a half-hour, the jury returned the verdict of guilty of murder in the first degree, as charged.

The prisoner made no response to the question whether he had anything to say why sentence should not be passed upon him, but retained the same appearance of stolid indifference.

In sentencing him, the Judge used the following language: "The case is one of unmitigated brutality; not only violating all the relations that one man had to another, but in addition to that you took advantage of the obligations which you had been under to the man in whose friendly employment you had been engaged so long." The sentence of the Court, rendered July 8th, was to be carried out on the 19th day of August, 1881.

This closed the first part of this interesting case.

For a few days after the sentence his conduct remained unchanged, subsequently he became violent and destructive. He destroyed all of the scant furniture of his cell, tore up his bedding, denuded his person, and informed the jailor he was going to make him all the trouble he could. His violence was met by putting on shackles and chaining him to the floor. This conduct was continued for a few days when the prisoner became moody and reticent, and for eight days refused food, saying he was going to starve himself to death.

A week before the time fixed for his execution he became quiet and natural in conduct and conversed freely with all. In view of this conduct his counsel applied for and obtained from the court an order for a "*de lunatico inquirendo*." This was held on Tuesday, August 16. Drs. Gray, of Utica, Chapin, of Willard, and myself were subpoenaed as experts. Dr. Chapin being absent in Europe, Dr. Gray and myself made a personal examination of the prisoner which was searching and thorough. We listened to the account of the prison physician, Dr. Cotes, the jailor, the night watch, and the Rev. H. L. Everest, who had ministered to him while in jail. Dr. Gray testified before the commission that he found Stockley in good physical health, a trifle nervous and manifesting considerable emotion; that Stockley felt badly over his condition and at times desperate over his prospects; that he was not then shamming insanity, but his conduct was the outgrowth of a feeling of utter despair in view of his position. He said the prisoner related all the incidents of the murder, his violent conduct and destructiveness in jail, and attributed his loss of sleep to worrying. In arriving at a conclusion he had taken into consideration all his antics and peculiarities of conduct, and that in his judgment the prisoner was not insane and presented no indication of insanity.

My own testimony was to the effect that this was my third examination of Stockley, that I found him thinner and with less color than on the previous occasions, but in the same mental condition. He talked with me freely in regard to my visits, the incidents of the crime, the occurrences of the past few weeks since the trial, and manifested a full realization of the enormity of the crime and of his position. He denied any attempt to feign insanity, but attributed his conduct to the giving



way to his passion which he had never controlled, and to desperation on account of the certainty of his fate. I further testified to his sanity and the absence of anything to indicate insanity.

Dr. Cotes testified to the same effect.

Rev. Mr. Everest the Rector of St. James' Church of Batavia, testified that he had visited Stockley frequently, that the first three or four visits were satisfactory, but the subsequent ones were less agreeable. He spoke of occasions when the prisoner refused to talk to him, and dwelt upon his manifestations of violence and destructiveness, said that he "considered there was an irrational man looking out from behind the favorable exterior," and expressed a full and firm belief in his insanity and irresponsibility. This closed the evidence. The jury returned a verdict of sanity. The prisoner prepared himself for the closing scene of his life by a quiet demeanor, and by listening to the words of consolation and comfort from the kind and faithful clergyman who had evidenced such interest in him from the first of his confinement. The sentence of the court was carried into effect on the day first appointed, August 19. An autopsy was held by several of the physicians who had testified on the trial, assisted by Dr. P. M. Wise, of the Willard Asylum for the Insane. The weight of the brain was fifty-one ounces. A careful dissection revealed nothing abnormal and the brain was declared healthy.

No microscopical examination was made.

In considering the case there are several points of interest which induced me to report it to the Association.

*First.* The prisoner's medical history, giving the different attacks of illness from which he suffered in early life.

*Second.* The exhibitions of a violent and uncontrolled temper, and the attempt, after the crime was committed, to torture it into evidence of insanity.

*Third.* The peculiar conduct of the prisoner after sentence, induced by the certainty of his fate.

*Fourth.* The return to orderly demeanor, and the rational preparation to meet the sentence of law inflicted for the punishment of a terrible crime.

Another point of interest is found in the fact that the case was so tried as to have no ground on which to base a motion for a new trial, or for any interference with the execution of the sentence of the law.

The crime resolves itself into a cowardly, brutal murder.





# THE AMERICAN JOURNAL OF INSANITY.

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